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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,122

08/15/2005

Alfred Schneckenleitner

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EXAMINER

TANG, JEFF

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,122	Applicant(s) SCHNECKENLEITNER, ALFRED	
	Examiner Jeff Tang	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The response to election/restriction dated 6/19/2008 has been accepted. Examiner agrees with applicant and withdraws the restriction. All pending claims will be considered.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear by what is meant by "holes the carriage".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in Figure 1 in view of Apprich (US 6,216,393**

B1). The prior art in Figure 1 discloses a drive for a sliding door or a swinging-sliding door of a rail vehicle comprising a guide rail fixed with respect to the rail vehicle (1), a carriage longitudinally displaceably on the guide rail and carrying a door leaf (2), a spindle drive including a spindle which extends parallel to the guide rail (3) and a spindle nut which is fixedly connected with the carriage in the direction of the axis of the spindle (4), but does not disclose a sliding hinge joint. However, Apprich discloses a sliding joint (15, Fig. 6) that permits relative rotating movement as well as displacing movement in the joint area. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the prior art to include a sliding hinge joint as taught by Apprich. The motivation for doing so would be to reduce the number of parts and fatigue on the parts.

Regarding claims 3-6, Apprich discloses the abutment includes a bolt (16, Fig. 6) extending parallel to the guide rail (9, Fig. 6); **[claim 4]** wherein mutually facing surfaces of the components of the sliding hinge joint, which extend perpendicular to the guide rail, have a distance from one another which is closed by shims (17, Fig. 6); **[claim 5]**

wherein the sliding hinge joint includes the spindle nut (18, Fig. 6) and a cover which is slidable with respect to the spindle nut in a plane perpendicular to the axis of the spindle (17, Fig. 6); **[claim 6]** wherein the ends of the cover have passage holes parallel to the axis of the spindle and a bolt (16, Fig. 6) extends through the passage holes and holes the carriage (11, Fig. 6).

Regarding claim 7, Apprich discloses a cover (17) but does not disclose it consisting of a piece of sheet metal and is bent around the spindle nut. However, It would have been obvious matter of design choice to bend the sheet metal around the nut, since applicant has not disclosed that doing so solved any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Apprich's invention.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in Figure 1 and Apprich (US 6,216,393 B1) as applied to claim 7 above, and further in view of Carlsson et al. (US 6,792,717 B2).

The applicant's admitted art and Apprich discloses the invention as set forth, but does not disclose the spindle nut having ribs in planes perpendicular to the axis of the spindle which ribs project into indentations or holes of the cover. However, Carlsson et al. disclose a vehicle door that has wheels (74,75, Fig. 8) that are project into indentations (59, lines 25-27, Column 5). Although Carlsson et al. disclose wheels, it would have been an obvious matter of design choice to include ribs, since applicant has not disclosed that having ribs solves any stated problem or is for any particular reason and it appears that the invention would perform equally well with Carlsson et al.'s invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the cover as taught by Carlsson et al. The motivation for doing so would be to restrict the movement of the sliding hinge.

7. **Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in Figure 1 and Apprich (US 6,216,393 B1) as applied to claim 1 above, and further in view of Cheng (US 3,841,024).** The prior art and Apprich disclose the invention as set forth except for the spindle nut having radially projecting ends that are claw shaped. However, Cheng discloses a spindle nut (8, Fig. 7) that has radially projecting ends that are claw shaped (42a, Fig. 8) and interact with an abutment (43a, Fig. 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention to include a claw shape as disclosed by Cheng. The motivation for doing so would be to create a spindle nut that can rotate and displace about the abutment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer H Gay/
Supervisory Patent Examiner, Art Unit 3676

/J. T./
Examiner, Art Unit 3634